

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION

CNH CAPITAL AMERICA LLC,

Plaintiff,

vs.

TIM McCANDLESS, d/b/a  
McCANDLESS FARMS,

Defendant.

No. C05-2087

**VERDICT FORM**

**QUESTION NUMBER 1:**

Did CNH Capital America LLC prove by a preponderance of the evidence its claim for breach of contract against Defendant Tim McCandless, d/b/a McCandless Farms?

YES ☐

NO ☒

**QUESTION NUMBER 2:**

Did CNH Capital America LLC prove by a preponderance of the evidence its claim for conspiracy against Defendant Tim McCandless, d/b/a McCandless Farms?

YES ☐

NO ☒

**QUESTION NUMBER 3:**

Did CNH Capital America LLC prove by a preponderance of the evidence its claim for aiding and abetting against Defendant Tim McCandless, d/b/a McCandless Farms?

YES ☐

NO ☒

(CONTINUED...)

**VERDICT FORM (Cont'd)**

**QUESTION NUMBER 4:**

Did CNH Capital America LLC prove by clear, satisfactory, and convincing evidence its claim for fraudulent misrepresentation against Defendant Tim McCandless, d/b/a McCandless Farms?

YES \_\_\_\_

NO X

[If you answered "No" to all of the preceding questions, then do not answer any further questions.]

**QUESTION NUMBER 5:**

State the amount of damages CNH Capital America LLC sustained as a proximate result of the wrongdoing by Tim McCandless.

\$ \_\_\_\_\_

**QUESTION NUMBER 6:**

Do you find by a preponderance of clear, convincing, and satisfactory evidence that the conduct of Tim McCandless constituted willful and wanton disregard for the rights of another?

YES \_\_\_\_

NO \_\_\_\_

[If your answer to Question Number 6 is "No," then do not answer any further questions.]

**QUESTION NUMBER 7:**

What amount of punitive damages, if any, do you award?

\$ \_\_\_\_\_

(CONTINUED...)

**VERDICT FORM (Cont'd)**

[If your answer to Question Number 7 is "None," then do not answer any further questions.]

**QUESTION NUMBER 8:**

Was the conduct of Tim McCandless directed specifically at CNH Capital America LLC?

YES ☐

NO ☐

DATED this 28 day of June, 2007.

J. S.  
FOREPERSON